

## REMARKS

Applicants appreciate the Examiner's thorough review and consideration of the subject application. The non-final Office Action of December 13, 2004 has been received and its contents carefully noted.

Claims 32-38 and 40-42 together with new claims 43-49 are currently pending in the application. By this amendment, the claims have been amended in order to more clearly overcome the objections and rejections in the outstanding Office Action. No new matter has been added. Reconsideration and withdrawal of all pending objections and rejections in view of the above amendments and following remarks is respectfully requested.

### ***Objection to Drawings***

In the Office Action, the drawings were objected to under 37 C.F.R. § 1.83(a). The Examiner alleges that the "shoulder of the inner support member as recited in claim 34" is not labeled in the figures (Office Action at page 2). Accordingly, claim 34 has been amended in order to more clearly and accurately define the claimed invention. Specifically, claim 34 has been amended to recite "the inner support member engages with a shoulder formed on the lower body portion." The specification at page 8, paragraph 2 expressly describes an embodiment having an inner support member 28 engaging with a shoulder 29 formed on the lower body portion, which are also clearly labeled in Figures 3 and 5. Accordingly, Applicants respectfully request withdrawal of the present drawing objection.

Additionally, the drawings are objected to for failing to show a mounting portion 41 as described in the specification. Applicants respectfully direct the Examiner's attention to the response to the Final Office Action filed on September 20, 2004, where Applicants amended the specification at page 8 by deleting the phrase "mounting portion 41" and replacing the phrase with "mounting portion 141" in order to correspond with the numeral designation for the mounting portion in Figures 5 and 6. Accordingly, Applicants respectfully assert that the drawing objection is improper and request withdrawal of the objection.

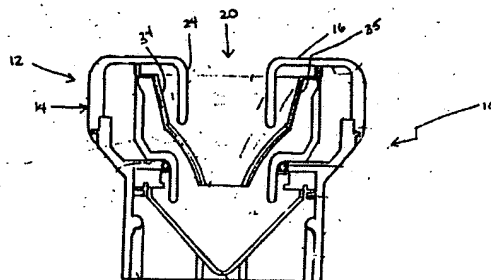
### ***Objection to Specification***

In the Office Action, the specification was objected to as failing to provide proper antecedent basis for the claimed subject matter with reference to the language of claim 34. Applicants have amended claim 34, as noted-above, to recite "the inner support member engages with a shoulder formed on the lower body portion." Accordingly, Applicants respectfully request withdrawal of the present objection to the specification.

### Rejections Under 35 U.S.C. § 102

The Examiner has maintained the rejection of claims 32-36 and 38 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,752,938, issued to Flatland et al., (hereinafter Flatland). The Examiner alleges that Flatland discloses a wall protector extending into the interior of the upper portion body portion, concluding that this extension into the interior places the wall protector between the throughbore and the valve seal. Applicants respectfully traverse this rejection for at least the following reasons.

Applicants assert that Flatland is insufficient as an anticipatory reference because it fails to teach each and every element of the presently claimed invention. Claim 32 has been amended to recite that the cylindrical wall protector is integrally formed with the upper surface at the throughbore and is located between the throughbore and upper seal wall extending *substantially* into the upper seal portion. For clarification, Figure 3 from the Applicants' specification has been reproduced below illustrating an embodiment of a seal assembly 10 of the claimed invention. The numeral designations not pertinent to the argument have been deleted.



With reference to the above Figure, a throughbore 20 is provided at the center of the upper surface 16 where the throughbore extends completely through the seal assembly 10. The cylindrical wall member 24 is integrally formed with the upper surface 16 at the throughbore 20 to project inwardly into the interior of the upper body portion 12. Moreover, the cylindrical wall protector 24 is located between the throughbore 20 and the upper seal wall which includes the upper inner seal wall 34 and the upper outer seal wall 35. Nowhere does Flatland teach or suggest the feature of a cylindrical wall member integrally formed with the upper surface at the throughbore.

For clarification, Figure 23 of Flatland has been reproduced below. Unlike the claimed invention, Flatland only discloses a seal assembly having a wall 45 that meets the seal membrane 32. As can be seen in Figure 23 of Flatland, wall 45 is not integrally formed with

the upper surface at the throughbore as in the claimed invention. In this regard, Flatland does not disclose, inter alia, a cylindrical wall protector integrally formed with the upper surface that projects inwardly into an interior portion where cylindrical wall protector is located between the throughbore and upper seal wall and extending substantially into the said upper seal as recited by claim 32.

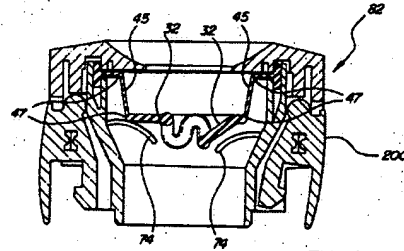


FIG-23

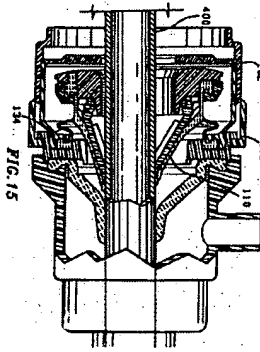
Therefore, Applicants assert that Flatland is insufficient as an anticipatory reference because it fails to teach or suggest a cylindrical wall protector integrally formed with the upper surface at the throughbore.

Moreover, claim 32 recites a cannula receiving opening adapted to mount the seal assembly on the cannula. On the contrary, Flatland is a trocar converter and does not disclose any such opening for receiving a cannula.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 102(b) rejection of claims 32-36 and 38. Since Flatland fails to teach or suggest all the features of the claimed invention, Applicant respectfully submits that independent claim 32, and all the claims that depend therefrom are allowable.

Next, the Examiner maintains the rejection of claims 32-37 as being anticipated by U.S. Patent No. 5,603,702, issued to Smith et al., (hereinafter Smith). Applicants respectfully traverse this rejection for at least the following reasons.

As discussed above, claim 32 has been amended to recite that the cylindrical wall protector is integrally formed with the upper surface at the throughbore and is located between the throughbore and upper seal wall, extending *substantially* into the upper seal portion. Applicants assert that Smith is insufficient as an anticipatory reference because it fails to teach or suggest each and every element of the claimed invention. For clarification, Figure 15 of the Smith '702 patent illustrating seal 110 is reproduced below.



As is illustrated in Figure 15, nowhere does Smith teach or suggest a cylindrical wall protector integrally formed with the upper surface at the throughbore; a cylindrical wall protector located between the throughbore and the upper seal wall and extending *substantially* into the upper seal portion; or a cannula receiving opening adapted to mount the seal assembly on the cannula as required by the claim 32.

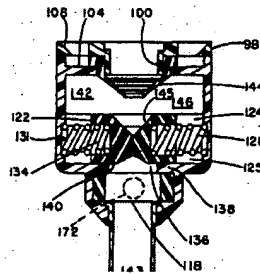
On the contrary, Smith has an end cap 102 shown above that does not include any sort of integral wall protector. Moreover, Smith does not disclose a wall protector that extends *substantially* into an upper seal portion. Additionally, the Smith disclosure shows a cannula 200 and valve 100 structures that are a single unit. Accordingly, Smith does not disclose any sort of cannula receiving opening adapted to mount the seal assembly on the cannula as set forth by the disclosure.

Since Smith fails to teach or suggest each and every element of the claimed invention, Smith fails as an anticipatory reference. Therefore, Applicants respectfully submit that independent claim 32, and all the claims that depend therefrom are allowable. Accordingly, Applicants respectfully request reconsideration and withdrawal of the present rejection under 35 U.S.C. § 102(b).

Finally, the Examiner maintains the rejection of claims 32-35 as being anticipated by U.S. Patent No. 5,391,153, issued to Haber et al., (hereinafter Haber). Applicants traverse the rejection for at least the following reasons.

As discussed above, Applicants have amended claim 32 to recite that the cylindrical wall protector is integrally formed with the upper surface at the throughbore and is located between the throughbore and upper seal wall, extending *substantially* into the upper seal portion. Applicants assert that Haber fails as an anticipatory reference because it fails to teach or suggest all of the features of the claimed invention. Specifically, Applicants assert that Haber fails to teach or suggest a cylindrical wall protector integrally formed with the upper surface at the throughbore and furthermore, fails to teach or suggest that the cylindrical wall protector extends *substantially* into the upper portion of the upper seal portion.

For clarification, the upper portion of Figure 4 of Haber has been reproduced below.



As shown above, Figure 4 of Haber discloses that the locking plate 98 has a hollow cylindrical boss 100 sized to fit within a circular hole formed in the bulkhead 104. Indeed, nowhere does Haber teach or suggest a cylindrical wall protector integrally formed with the upper surface as in the claimed invention. Furthermore, nowhere does Haber teach or suggest a cylindrical wall protector extending into the upper seal portion. As illustrated above, the cylindrical boss 100 does not extend into the conical seal sealing element 144 but only contacts the upper boundary of the seal element 144. Moreover, Haber does not disclose any sort of cannula receiving opening adapted to mount the seal assembly on the cannula as set forth by the disclosure.

Therefore, Applicants assert that Haber is insufficient as an anticipatory reference because it fails to teach or suggest all the features of the claimed invention. Therefore, Applicants respectfully submit that independent claim 32, and all the claims that depend therefrom are allowable. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b).

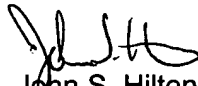
### ***New Claims***

New claims 40-49 add no prohibited new matter and are submitted to cover other aspects of the invention. They find support in the specification at, *inter alia*, Figure 3 and the original claims. Independent claims 40 and 43 recite many features of claim 32 which Applicants submit have been shown to be allowable for at least some of the same reasons as those discussed above with respect to claim 32. Moreover claims 40 and 43 are allowable on their own merits because none of the prior art of record discloses or suggests the claimed subject matter thereof.

### CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that all of the objections and rejections have been overcome, and that the claims are patentably distinct from the prior art of record and in condition for allowance. The Examiner is respectfully requested to pass the above application to issue, and to contact the undersigned at the telephone number listed below, if needed. Applicant hereby makes a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 23-1951.

Respectfully submitted,



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